

**UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE:)	
)	
JODI JAN FREEMAN,)	Case No. 17-28540
)	Chapter 13
Debtor.)	
)	Honorable Chief Judge Hollis
)	(Joliet)

NOTICE OF MOTION

To: Jodi Jan Freeman, 1108 Hamilton St., Shorewood, IL 60404

Geraci Law L.L.C., 55 E. Monroe St., Suite #3400, Chicago, IL 60603 (via ECF)

Glenn B. Stearns, Chapter 13 Trustee, (via ECF)

NOTICE IS HEREBY GIVEN, that on the 1st day of February, 2019 at 10:45 A.M. or as soon thereafter as Counsel may be heard I shall appear before the Honorable Judge Pamela Hollis, or any Judge sitting in her stead in the 2nd Floor Court Room in the Joliet City Hall Building at 150 W. Jefferson Street, Joliet, Illinois and then and there present a **MOTION FOR RELIEF FROM AUTOMATIC STAY**, a copy of which is attached hereto.

McGRATH & CLARK, P.C.

By: /s/ Timothy A. Clark
Timothy A. Clark

Timothy A. Clark - 06200999
McGRATH & CLARK, P.C.
440 S. STATE STREET
Manhattan, IL 60442
(815) 478-4020

PROOF OF SERVICE

The undersigned on oath states that I served this notice by mailing a copy to each person so designated above by US mail at Manhattan, Illinois, with proper postage prepaid, or by ECF, on the ____ day of January, 2018.

 /s/ Timothy A. Clark

**UNITED STATES BANKRUPTCY COURT
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IN RE:)	
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JODI JAN FREEMAN,)	Case No. 17-28540
)	Chapter 13
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**MOTION FOR RELIEF FROM
AUTOMATIC STAY**

NOW COMES ERIC FREEMAN, Creditor, by and through his attorneys, McGrath & Clark, P.C., and moves this Honorable Court for an Order granting his Motion for Relief from the Automatic Stay pursuant to 11 U.S.C. §362(d)(1), and in support thereof states as follows:

Jursidiction

1. This Honorable Court has jurisdiction pursuant to 28 U.S.C. §1334 and Internal Operating Procedure 15(a) of the United States District Court of the Northern District of Illinois.

2. The Motion for Relief from the Automatic Stay is core proceeding arising under title 11 pursuant to 28 U.S.C. §157(b)(2)(G).

Parties

3. Eric Freeman is a Creditor in the underlying bankruptcy case and is the Respondent in a Dissolution of Marriage proceeding

in the Circuit Court of the 12th Judicial Circuit, Will County, Illinois, pending as Case Number 14 D 25.

4. Jodi Jan Freeman is the Debtor in the underlying bankruptcy case and is the Petitioner in said Dissolution of Marriage proceeding.

Relevant Facts

5. On or about September 17, 2014 the Creditor and the Debtor were divorced pursuant to a Judgment for Dissolution of Marriage entered in the Circuit Court of the 12th Judicial Circuit, Will County, Illinois; Case Number 14 D 25.

6. On or about October 18, 2017, the Creditor, Eric Freeman, filed a Petition for Rule to Show Cause against the Debtor herein, due to her failure to comply with the terms of the Judgment for Dissolution of Marriage entered by and between the parties relating to the Debtor's failure to pay certain obligations due to the Internal Revenue Service relating to her understatement of income for the tax years 2012 and 2013, and the collection of the sums due from the Debtor by the Internal Revenue Service from the Creditor herein.

7. The Petition for Rule to Show Cause is currently stayed and unresolved due to the Automatic Stay pursuant to 11 U.S.C. §362(a).

8. The pending petition involves the Debtor and Creditor and the obligation of the Debtor to reimburse the Creditor for the

monies wrongfully intercepted from him by the Internal Revenue Service, plus all costs associated with said efforts, including professional fees and attorney's fees, pursuant to state law.

Law and Analysis

9. That the Creditor's Petition for Rule to Show Cause is stayed pursuant to 11 U.S.C. §362(a).

10. However, the Stay does not apply to the following:

a. "for the establishment or modification of an order for domestic support obligations;" See 11 U.S.C. §362(b)(2)(A)(ii);

11. That the obligations of the Debtor herein to the Creditor constitute domestic support obligations within the meaning and intendment of 11 U.S.C. §101(14a)(a) and (c).

12. The Creditor, Eric Freeman, seeks to lift the automatic stay pursuant to 11 U.S.C. §362(d)(1) for cause so he can proceed with his Petition for Rule to Show Cause in State Court and allow the Honorable State Court Judge presiding to issue his/her findings and ruling.

13. That neither the Debtor nor the Creditor will be prejudiced by the lifting/modifying the Automatic Stay for the purposes of proceeding with the Petition for Rule to Show Cause.

WHEREFORE, the Creditor, Eric Freeman, prays for this Honorable Court to enter an Order pursuant to 11 U.S.C. §362(d)(1) lifting the automatic stay allowing the Honorable State Court Judge

presiding to rule on the pending Petition for Rule to Show Cause referred to above in Paragraph #8, and for such other, further and different relief as the Court deems just and appropriate.

Respectfully Submitted,

McGrath & Clark, P.C.

By: /s/ Timothy A. Clark
Timothy A. Clark
Attorney for Creditor, Eric Feeman

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